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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/880,665 06/23/97 HASEGAWA

H FUJ14341

EXAMINER

TM02/0726

HELEGOTT & KARAS
EMPIRE STATE BUILDING 60TH FLOOR
NEW YORK NY 10118-0110

ART UNIT	PAPER NUMBER
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2683

DATE MAILED:

07/26/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/880,665

Applicant(s)

HASEGAWA, HAJIME

Examiner

SIMON D NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 14 May 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-16 is/are allowed.
- 6) ☐ Claim(s) 17, 18, 23-27, 29-33 and 36 is/are rejected.
- 7) ☐ Claim(s) 19-22, 28, 34-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-18, 23-27, 29-33, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meier (5,673,031) in view of Tanaka (5,845,212).

Regarding claims 17, 26, 33, and 36, Meier discloses a radio system including a plurality of base stations (fig.1) in which a mobile station selects a base station to which a request for a channel is to be issued (column 6 lines 15-24), based on an order of priority of a plurality of base stations (column 5 lines 27-30, 40-50), wherein the base station forming a radio zone that overlaps radio zones formed by other base stations (column 5 lines 36-40), and wherein the selected base station chooses to respond by transmitting a message to the terminal that the channel is currently clear to send data (column 6 lines 20-24). **Meier further discloses that the mobile station selects a base station from the plurality of base stations wherein a signal strength of the base station that exceeds a minimum threshold is chosen (column 5 lines 1-11 and column 14 lines 55-67).** It is noted that the mobile station 10 inherently has a

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control means for selecting a base station. However, Meier fails to teach that the above information included in announcement information.

Tanaka discloses a cellular system (fig.2) in which an announcement information is transmitted from base stations 12a-12c to a mobile station 11 (column 2 lines 15-50). It would have been obvious to one skilled in the art at the time the invention was made to implement the teaching of Tanaka in the cellular system of Bailey. The motivation for using the teaching of Tanaka in the cellular system of Meier being that it provides a new way to receive a message by announcing by voice which forces a user to pay more attention.

Regarding claim 18, the Meier' roaming terminal is inherent to have a receiver for receiving the information including a priority (column 5 lines 1-10, 20-50) and a transmitter for issuing a request for a message channel to the base station selected by the terminal (column 6 lines 12-25).

Regarding claims 27 , it is noted that the mobile station of either Meier and Tanaka are inherent to equip with a transmitting and receiving section which is well known in the art.

Regarding claim 29, Meier discloses that the roaming terminal determining whether the reception level is equal to or exceeds a predetermined level in selection a base station that enable a request for a message channel (column 5 lines 1-11).

Regarding claims 23-25 and 30-32, the examiner takes official notice that it is well known in the cellular art that in order for the mobile station to access the system and before choosing a base station, it requests a message channel and the message

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channel is switched from one to another in the event of a handover of a call. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have the mobile access the system by requesting a messaging channel in the system of Meier and Tanaka.

Allowable Subject Matter

3. Claims 19-22, 28, 34-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 19 and 28, the prior art discloses numerous measuring means for measuring a reception level in a reception level determining channel in the mobile stations of a communication system. However, the prior art of record failed to disclose the measuring means for measuring a reception level in a descending order of priority of the plurality of base station.

Regarding claim 21-22 and 34-35, the prior art of record discloses numerous arranging means for ordering the information. However, the prior art of record failed to disclose an arranging means relating to reception level determining channels in a descending order of priority.

Regarding claim 20, this claim is objected as being dependent upon dependent claim that has been objected.

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4. Claims 1-16 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 8-9, and 16, the prior art of record failed to disclose a announcing means for generating and broadcasting information including the order of priority assigned to radio zones wherein the order of priority being assigned in accordance with a probability density given to each of the plurality of radio zones.

Regarding claims 2-7, the prior art of record failed to specifically disclose an announcing means for transmitting announcement information which includes identification information for identifying radio channels, wherein the identification information being arranged in the announcement information according to respective positions in the hierarchy of overlapping zones.

Regarding claims 10-15, these claims are allowed as being dependent upon independent claims that have been allowed.

Response to Arguments

6. Applicant's arguments filed 5/14/01 have been fully considered but they are not persuasive.

The applicant stated in Remarks that the cited prior art failed to disclose that the mobile station selects a base station based on the electric field intensity at least equal to a predetermined level or a threshold. The examiner disagrees because in column 5 lines 1-11 and column 14 lines 55-67, Meier discloses that the mobile station selects a base station from the plurality of base stations wherein a signal strength of the base station

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that exceeds a minimum threshold is chosen. Therefore, Meier discloses the mobile station selects base stations based on a signal strength threshold wherein the signal strength is considered as the electric field intensity and the threshold is predetermined which are well-known to those skilled in the art.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached on (703) 308-5318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA , Sixth Floor (Receptionist).

Simon Nguyen

July 19, 2001



Lee Nguyen
Primary Examiner

Lee 7/24/01